

AN ACT

RELATING TO PUBLIC SCHOOLS; CHANGING THE QUALIFYING
REQUIREMENTS FOR FUNDING THROUGH THE PUBLIC SCHOOL CAPITAL
OUTLAY ACT; PROVIDING FOR PRIORITY FACTORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-24-5 NMSA 1978 (being Laws 1975,
Chapter 235, Section 5, as amended) is amended to read:

"22-24-5. FUND--DISTRIBUTION.--

A. The council shall approve an application for
grant assistance from the fund when the council determines
that:

- (1) a critical need exists requiring action;
- (2) the residents of the school district
have provided available resources to the school district to
meet its capital outlay requirements;
- (3) the school district has used its
resources in a prudent manner;
- (4) the school district is in a county or
counties that have participated in a reappraisal program and
the reappraised values are on the tax rolls or will be used
for the tax year 1979 as certified by the property tax
division of the taxation and revenue department;
- (5) the school district has provided
insurance for buildings of the school district in accordance

with the provisions of Section 13-5-3 NMSA 1978; and

(6) the school district has submitted a five-year facilities plan that includes enrollment projections.

B. The council shall consider all applications for assistance from the fund and, after a public hearing, shall either approve or deny the application. Applications for grant assistance shall only be accepted by the council after a district has complied with the provisions of this section. The council shall list all applications in order of priority, and all allocations shall be made on a priority basis. Projects approved and ranked by the council shall be funded in accordance with the following formula:

(district assessed valuation per MEM divided by the state average assessed valuation per MEM) multiplied by .5. The product is subtracted from 1.0 and multiplied by .9. The sum of that calculation added to (percent of bonding capacity used ÷ 75%) x .1 = percentage of approved projects to be funded from the public school capital outlay fund. "MEM" is the total enrollment of students attending public school in a school district on a specified day, with kindergarten being counted as .5. In those instances in which the formula provides less than .1, .1 shall be used as the state's share.

C. In those instances in which a school district

